

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CLARENCE A. BAREFIELD
TDCJ-CID #1156054

V.

NATHANIEL QUARTERMAN

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§

C.A. NO. C-07-013

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Bill Clements Unit in Amarillo, Texas (D.E. 1). Petitioner states that he was convicted and sentenced on March 5, 2003, in the 135th Judicial District Court in DeWitt County, Texas.

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Amarillo Division of the Northern District of Texas, 28 U.S.C. § 124(a)(5), and he was convicted by a court located in the Victoria Division of the Southern District of Texas. 28 U.S.C. § 124(b)(5).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in DeWitt County, it is more convenient for the action to be handled in the Victoria Division of the Southern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Victoria Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Victoria Division. All pending motions are denied without prejudice, subject to re-urging after this action is transferred.

ORDERED this 10th day of Janaury, 2007.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE